

1 drinking with her all buddy, buddy and you know, there's
2 stories about flirting and dirty dancing and you know, I'm
3 coming back and I'm saying I need your time sheets or...and
4 it's difficult for me to be...to penetrate that. Do you know
5 what I mean?

6 Q: Did you ever bring that up to Barbara...

7 A: I did. We had issues in January. That's what I was
8 saying. I questioned...that was like the first time we had
9 real words. I mean...where I expressed that because before it
10 was Nadine's issue. Okay? A year ago. Nadine Cancell, the
11 one who left, it was her issue. Now it's my issue. It's my
12 issue because I have to deal with Barbara. I have to do
13 their timesheets. I have to get called if something's not
14 right. I have to proofread their work. I'm also still
15 bringing them up to date on policies.

16 Q: What...

17 A: So I did address it with Barbara and I said I just
18 think that she's...she...I just think she favors her behavior
19 towards the guys which I felt she...showed a lot of
20 favoritism with them and the fact that she has a scheduled
21 relationship of going out after work...

22 Q: Well...what...what favoritism would she show?

23 A: Okay. Like...okay...there was...here's the difference. When
24 we were an all girls' department. Four girls. Four woman,
25 let's say were written up. Yes, there was a warning and

1 then there was a write up. Okay? But two things...they all
2 got written up. Four okay? That would be lateness or
3 whatever. They got written up and some I didn't even know
4 about until Lisa Munoz, (unintelligible), but um...with the
5 guys there was...there was very evident behavioral problems
6 with one of them in the beginning. And I mean we're talking
7 about complaints from senior art directors and everything.
8 I mean, lateness, insubordination. There was another problem
9 with another one that uh...and this...this person...and she
10 warned them. I mean...I can vouch for how many times she
11 warned them and then there was another situation where one
12 guy had ruined a project. Um...not once, but twice. I mean
13 there was...part of our job is to be accurate and proofread
14 and everything and where we had...it cost us to reprint which
15 was like a catalogue or something. And this is not just one
16 instance. It was the same guy who made the same mistakes
17 and just have a rough time in the beginning getting it. Not
18 one write up. Since in the two years we've been a male
19 department, not one write up. And I'm saying these are the
20 guys I've seen them go out drinking when...I know...I've heard
21 the stories when they come back about the flirting and the
22 dirty dancing. And even asked you know, to have certain
23 things done in terms of time sheets, or just in general,
24 you know, if I needed something. It's not easy. Because the
25 relationship is just too casual I felt with them. And then

1 when I tell them something...there was an incident um...with me
2 and one of them where Barbara's out and I need someone to
3 cover for me. It's almost about 3:00. I haven't gone to
4 lunch and I asked some...I asked one of them to cover for me
5 which is an exact example of what I'm saying. I say,
6 Barbara's out. I haven't had lunch. I'm just going to run
7 and get something and if anyone's looking for me I'll be
8 back. I'm coming from Lexington getting a sandwich and I
9 see the same individual on the street and it's like a
10 quarter to four? And I know from my walking around the
11 office earlier I saw that individual eating lunch at his
12 desk. And okay, I say...you know, I was like I see him on the
13 street and I'm just like what? You know. I mean I didn't
14 say anything to him but I was shocked and then, you know, I
15 waited until he got back and I casually mentioned it and I
16 said, you know what...you know why didn't you wait until I
17 got back or you know what were you doing out? And he
18 just...he just...like it was a matter of fact I mean, this
19 isn't someone I trained. You know. He just said as a matter
20 of fact told me well I didn't say anything about the time
21 that you went to lunch and I'm like well, you don't get to.
22 You don't get to tell me anything about the time I go to
23 lunch. You know what I mean? My point was...why couldn't you
24 have waited if you were hungry? It was just a lack of
25 professionalism. I explained that to Barbara. And as a

1 matter of fact, Barbara was out the day that it happened. I
2 didn't call her but the individual that I had this
3 conference with called her at home and told her their side.
4 That's how casual it is. And it's like I sent some e-mail
5 later on to let her know what happened that day. And I said
6 you know, there's a true lack of professionalism. You're
7 gone. I just wanted to go out. Couldn't he have waited? If
8 he got hungry again...he said he got hungry again and he felt
9 by my questioning him he felt that tact was his reasons for
10 what he did and I was like Barbara I was like...and...and I had
11 to defend that. But I was like, first of all, he wouldn't
12 have done that if he didn't feel like it was okay. And then
13 to call you at home, I don't even call you at home.
14 It's...it's...I just questioned in the past the casualness.

15 Q: But as far as any favoritism, now...are you all on the
16 same equal plane?

17 A: Uh...no, because I've been here longer.

18 Q: Okay.

19 A: But I found out in January even these same individuals,
20 all three of them had gotten raises in January. It was an
21 off schedule raise. I don't know the reasons. I'm not going
22 to say I know the reason. But I have been addressing my
23 salary issue just with Barbara because I have a two page
24 job description. I'm not only senior ad manager but I also
25 do administrative stuff. There are some stuff...like supplies

1 and stuff I kind of took that 'on because we kind of lost
2 our secretary. Our administrator. But there's a lot of
3 special projects and things that I've taken on and
4 researched because I am here longer. I know...you know, I can
5 do a five year research. I know what the projects are and
6 they don't. And I wanted to discuss those issues with
7 Barbara and I tried to discuss them with her before last
8 year before the um...layoffs and she told me that the layoffs
9 were coming and it was a bad time for to discuss raises.
10 But then, in January, I find out that these guys got raises
11 during the Christmas holidays. And I was thrown by it. I
12 was really taken back by it.

13 Q: You brought that up to Barbara?

14 A: I brought that up to her in January before she started...

15 Q: And what was her reaction?

16 A: She tried to justify it by saying that...you know, her
17 thing mainly was with Escaban because she felt like...and I'm
18 saying Escaban because that was one of the reasons for the
19 raises that...you know, maybe he would do better in terms of
20 his professionalism if he made a little more money. That's
21 how she justified it. And...I'm...I mean how do you...okay. If
22 that's how you want to justify it but how do you say that
23 to someone who's doing what I'm doing. You know what I
24 mean? Who's training him with a two page resume, who's here
25 you know, doing administrative here, two hours a night. How

1 do you say that to someone about the same person who's been
2 you've been constantly whining about their behaviors.
3 They've been complained about from GA's to senior art
4 directors to...I mean, Chris (last name unintelligible)
5 himself, I mean how do you say well, he'll probably do
6 better if he got paid a little more. I mean, I just felt it
7 was.

8 Q: Okay.

9 A: But I just didn't...

10 Q: Yeah. I understand. I want to change the subject
11 briefly but particularly yourself.

12 A: Okay.

13 Q: Are you experiencing any financial problems at this
14 time?

15 A: No.

16 Q: Have you received any disciplinary action prior to the
17 incident?

18 A: I've never received any disciplinary action in fifteen
19 years that I've been here.

20 Q: Did you recently obtain or change your disability
21 policies?

22 A: I never...I don't know what that means. I've never been
23 on a disability policy. I don't know what that means.

24 Q: How is your personal life?

25 A: I've been with my husband for nine years. Married four.

1 He is very supportive. He calls me every day twice a day
2 since the incident. Um...you know, he's even offered to stop
3 by if I needed. Great. I have a wonderful husband.

4 Q: Okay. So what...the next question about you having any
5 problems with your husband we think we've already answered
6 that. Uh...do you have any previous injuries?

7 A: No. I had...I am an...I'm obsessed with getting into shape.
8 I started losing weight in January. Back on Weight
9 Watchers. I went...I've had my physical in January by Dr.
10 Dorton. All blood works checked out. I've gotten my breasts
11 annual exam in February. I do it...I have the same doctors
12 for years. So, no.

13 Q: As far as a chiropractor goes, have you been treated by
14 one prior to this incident?

15 A: No, Dr. Basil was...I stumbled onto Dr. Basil. I was
16 really just looking to find out what was wrong with...why was
17 I in pain. I thought maybe if I could get a nice massage or
18 somebody could just help me move my neck. And he did a
19 thorough and total examination. I...he's the first
20 chiropractor or back specialist I've ever seen. And he's
21 back, neck, joints, everything. He's a new doctor on my
22 roster.

23 Q: Okay. And I also want to make it known for the record
24 that Miss Lee has signed an authorization for medical
25 release so that we may be able to look into the specifics

1 of her...of her ailments...

2 A: Right.

3 Q: ...because she cannot specifically tell me because
4 she's...she's not a doctor.

5 A: Yes.

6 Q: She can only tell me how she's feeling.

7 A: Yes.

8 Q: And again, obviously I think we've gone over this. But
9 why did you go see a chiropractor back on April 14th?

10 A: Uh...wait a minute. I just want to make sure this date is
11 right. Um...gradual...gradual decline. Just gradual pain and I
12 was ignoring just trying to deal with what's happening at
13 work, I was trying to put it off. But it was an increasing
14 thing. The more I'm trying to deal with work and Barbara
15 and this situation of daily coming inside here. Not having
16 the situation addressed properly by Human Resources. It was
17 a daily, daily decline of my health. But the pain from the
18 back was the most obvious so I had to go see him. It just
19 required a doctor not a Tylenol from the nurses' station.
20 It just required a doctor. I couldn't...it got to the point
21 where the day before I could not lift my shoulder bag.
22 That's how it is. And it's still that way.

23 Q: Did you get any feedback from the doctor on what would
24 have caused something like this?

25 A: He explained it to me that there was some...when...for

1 every action there's a reaction. There was...there's some
2 trauma there. There's constant stress because I'm still in
3 the same environment. The issues are not being addressed.
4 There's a building of muscle...of nervous systems...like I
5 said, I gave numbers. I gave names.

6 Q: Okay, fine.

7 A: I gave addresses...

8 Q: You don't have to explain and we'll...we'll...

9 A: ...I keep...

10 Q: ...we'll rely on...

11 A: ...(unintelligible) as best I can...

12 Q: ...the report.

13 A: I'm surprised at my own physical state. I've never been
14 in this place before, mentally or physically, so...

15 Q: Can I ask you or I will ask you, have you at any time
16 in the past ever had a claim against an insurance company?

17 A: No. I didn't even know what Worker's Comp...how Worker's
18 Comp worked.

19 Q: Who...what is your insurance right now?

20 A: My medical insurance?

21 Q: Yes.

22 A: Is United Health Care. I chose it from SONY. I had an
23 option of Blue Cross Blue Shield. I chose United...

24 Q: Okay.

25 A: ...Health Care.

1 Q: And you've been...you've been with that...that...since you've
2 been employed?

3 A: No. Well, since yes. SONY BMG. When I was with SONY, it
4 was...the only option was Blue Cross.

5 Q: Yes.

6 A: At that time.

7 Q: Um...have you ever filed for any social security
8 benefits?

9 A: No, no.

10 Q: Okay. Okay. And the incident occurred, what day of the
11 week was the incident?

12 A: It was on a Friday.

13 Q: Okay. At what time?

14 A: It was the...the actual altercation was somewhere between
15 I'd say 6:30 and 7...7ish.

16 Q: And what floor did that take place?

17 A: The 29th floor.

18 Q: Anything specific like you can give me a point of
19 reference? Elevator door? Entry...

20 A: It was the two...between...it was...right outside the
21 two...right outside the walkway of Barbara's office is where
22 it started and then we...it moved to...we had words outside the
23 elevators, too.

24 Q: Um...as far as yourself is concerned, had you consumed
25 any alcohol that day?

1 A: I...do not drink. Um...I don't...I don't make a point of
2 doing it. Only if it's like on Holidays, special occasions.
3 I don't drink. I don't smoke.

4 Q: How about medications?

5 A: I'm not on any medications which is why I'm in a lot of
6 pain still, because I refuse to take the medication.

7 Q: Okay.

8 A: I'd rather a natural alternative.

9 Q: Does that hold true for any prescription...non or
10 prescribed?

11 A: Yes. Everything.

12 Q: And on the day of the accident, how were you feeling as
13 far as you know? Your physical overall being. Ailments,
14 aches, anything like that?

15 A: I was...I was...I was feeling really great. Actually, I was
16 feeling really great up until the altercation. I had just
17 lost like, you know, 18 pounds on Weight Watchers. I was
18 going to the gym. I was feeling great about myself. About
19 everything.

20 Q: At this point, do you um...you feel you have any
21 limitations?

22 A: My ability to focus. My ability to be effective at the
23 job that I do here for SONY. It is limited. I work in
24 advertising, I read proofread, I do legal information. I
25 communicate with a lot of people every day and

1 that's...that's strained. It's focus and...uh...everything. The
2 limits are extremely psychological and as far as physical,
3 I can't exercise. I've been advised to walk and get out and
4 walk. That's to calm my nerves and keep my stress down.
5 Walking is good, but the physical activity, lifting, I
6 can't do that until this back thing is resolved.

7 Q: Okay, since you've been seeing the chiropractor and
8 the...

9 A: Therapist.

10 Q: ...therapist...has it...is anything getting better or worse?

11 A: No. Um...we talked about that today. It's not getting
12 better. It's not...it's still in the state of where it is.
13 There's still pain because I'm reliving this experience
14 daily and weekly. I've given my testimony many, many times.
15 I come in...there's uh...I'm isolated. You know, there's a cut
16 off. You know. My relationship with my co-workers is not
17 the same. There's an effect there. So it's not going
18 anywhere. It'll be better once we...you know, it'll get
19 better but it's not getting better now. When I don't have
20 to talk about it, when I don't have to continue to play the
21 tape, you know, when I'm relaxed, when I'm calmer, when I'm
22 not angry about the way I've been treated, all of those
23 things the doctor said will relax my nerves and a lot of it
24 is really about trauma and nerves and that's where it is,
25 so like I said, let him explain it.

1 Q: Um-hum.

2 A: Because he has to explain it to me as the symptoms
3 become like, why am I getting numbness? In my arms and my
4 legs, you know, if I'm thinking about it. I don't sleep too
5 much at night because it's...I feel like I'm going through...15
6 years at this place, you know, and it gets to be...comes to
7 this. I'm you know, when I'm lying awake, you know, I'm
8 tense. A stiffness.

9 Q: Do you have any hobbies?

10 A: I enjoy working out. I enjoy going to the gym. I
11 don't...I have good friends. They call every day...my hobbies...I
12 like dancing. I haven't been...I haven't gone in...dancing...I...I
13 socialize with my friends. No real hobbies.

14 Q: As far...all right. As far as going to the gym, what
15 would you typically do in a gym?

16 A: I get on the...uh...it's like the elliptical machine. You
17 do the stair climber plus the arms. You...I get on that
18 because it's an aerobic things and that way you do more,
19 you know, aerobics exercises. So I get on that for about 45
20 minutes and then I'll do like the circuit weight training
21 where you lift light weights.

22 Q: Um-hum.

23 A: So I do that for like the other...for the remainder of
24 the workouts. And that would be it. So it's like an hour,
25 you know, a few minutes like that.

1 Q: How often would you do that?

2 A: Uh...it's basically, because the gym is here, it's
3 whenever works with me. It's like uh...for me it would be
4 like um...lunch hours mostly. And I really started...last year
5 I just...because of my...my relationship...the work relationship
6 with Barbara I really tried not to...I tried to...be in her...I
7 ate a lot with her and I talked with her and be with her,
8 sort of going along and get along and I didn't go to the
9 gym as much because we had just started working closely
10 together and I wanted to establish a good working
11 relationship, and like I said, there's a real neediness
12 there. And since I hadn't been doing this and in January
13 you know, if you don't really sit in the office and gossip
14 and talk with Barbara it's like...you become somewhat
15 demonized. You're being the subject of gossip. You know,
16 it's a weird situation.

17 Q: The uh...after...since...after the accident, you haven't been
18 able to do any of the weight training...

19 A: I haven't been able to...

20 Q: ...or the elliptical machines?

21 A: ...the gym since...I have not been...the doctor does not want
22 me to do the machine. He doesn't want me to do...when you're
23 doing the arms and the rotation thing, that's not advised
24 right now because it works your back and your shoulder so
25 you don't do the back. He just says that walking is good.

1 Um...but he would prefer like I would go outside because he
2 said something about the...the...if you walk on the treadmill
3 there's a...I don't know. Something about the bounce
4 absorption on the treadmill.

5 Q: Um-hum.

6 A: And...he just says, you know, some people get bad
7 reactions on their backs because they're walking on the
8 treadmill and that's because of the way it's built. It's
9 very...when they're trying to mimic the street or the same
10 effect, something happens, so don't do that. But go for a
11 walk, get out, try meditation. I mentioned that there is
12 Yoga here and the physical therapist used to...she's the
13 stress management. She's going to let me know if it's okay.
14 You know, like if I should...if...if...she's just the person
15 who meditate...just...no, don't move. Just sit there and
16 breathe and breathing exercises, that's what she said I
17 should do.

18 Q: Do you have a family doctor?

19 A: Doctor Karen Fullerton (sp?) And I gave my...her number
20 and everything um...to Adela? The secretary at the Tokio
21 thing?

22 Q: Okay.

23 A: Yeah. I gave all that information to her. She...I just
24 had an annual with her. She did my blood work. I can bring
25 you the charts of my cholesterol and everything. To show

1 you. I just had it done. I've got the results and
2 everything.

3 Q: So what...what part of your body are you experiencing
4 pain?

5 A: The...from the base of my neck to the...the spine...um...so
6 it's base, shoulder, spine. Um...that...that's the base of it.
7 I feel even right now as I'm talking, um...there's a real
8 intensity on the left side more so I guess because I've
9 been talking about it. But, right now what it still feels
10 like...uh...right now there's a ton of bricks and there's a
11 burning sensation and depending on my blood temperature of
12 how I'm feeling, it rises. It escalates. It goes up and it
13 goes down. When it's elevated, when I'm really, really
14 stressed, that pain...that burning sensation is no joke.
15 It...it...it gets your attention.

16 Q: And you haven't taken any medications.

17 A: I have...I was...I hadn't taken any medications before or
18 after uh...I have...I am a flexi person. I take flexi vitamins.
19 That's a natural vitamin for your heart; cardio-vascular
20 wellness and I've been known to take a multi-
21 vit...Woman's...One a Day Women's Multiple Vit...um...that's the
22 extent of it for me.

23 Q: Your pain. Is it dull or is it sharp?

24 A: It's sharp...It...it...it increases and decreases depending
25 on the stress levels and...and...and...and how I'm feeling and

1 it's sharp.

2 Q: Do you have any pain or numbness in your arms?

3 A: At...at...when it's folded, there's a certain amount of
4 numbness. I think that's because...there's a tension. The
5 doctor could tell you what that comes from. I asked him why
6 especially at night, when I'm lying there and I can't
7 sleep. And it's...everything's running through my mind. If my
8 arms are folded, there's no oxygen...there's like a cut off
9 of oxygen with stiffness...if something occurs. And I asked
10 him about that, too. And he gave me an explanation so you
11 can get that from him.

12 Q: Yes.

13 A: I don't know why it's happening. It doesn't seem to be
14 something I can immediately control right this moment when
15 it happens. Like right now my arms are folded, this arm and
16 this whole...I told you this whole left side? It's bothering
17 me.

18 Q: How many times have you visited the chiropractor?

19 A: Four since the incident.

20 Q: And how about the physical...uh...the therapist.

21 A: Uh...once because she's out of network and she's
22 expensive. So...and I hope to try to see her again. I
23 don't...I'm not sure. She's expensive. She's not a network
24 person, but the doctor felt like...

25 Q: Well, when you say expensive, what is the charge?

1 A: She's an hour...I think \$150 an hour.

2 Q: And would you have to see her for an hour at least?

3 A: Yeah...she's...yeah. She requires an hour that's her limit
4 and then...you, you know...but she had a lot to say. She's very
5 helpful. She does feel I need to see her again and that's
6 where it is. I don't know. Like I said, that's an expense
7 that I didn't anticipate.

8 Q: Uh...let's see. Have any x-rays been taken? Any parts of
9 your body?

10 A: Dr. Basil wants to address that this coming Monday,
11 which is...what is it, the 24th?

12 Q: Uh...

13 A: I guess next Monday would be the 24th. Um...because I have
14 not uh...because it hasn't gotten any better, so...but he feels
15 like there's two reasons for that. One is because I'm still
16 in the environment in which things have taken place and two
17 that maybe something, you know, there could be something
18 else. And he'll address that with me when I get there on
19 Monday.

20 Q: And who is that...your therapist?

21 A: Her name is Joann Piercery (sp?). She was recommended.
22 I have the card. I don't have her information in front of
23 me.

24 Q: Um...and as far as the treatments at the chiropractor?
25 What do they basically entail?

1 A: There's several but for now he's trying to get some of
2 the swelling down in my shoulder blades and my joints
3 relaxed so there's a lot of electrical therapy like shock.

4 Q: Okay.

5 A: I'm hooked up to some kind of machine that sends pulses
6 through my back.

7 Q: How about the therapist, what do they do for you when
8 you're there?

9 A: Uh...

10 Q: Is that a physical contact therapy?

11 A: It's not...it's not so much physical it's about managing
12 um...managing my stress level and talking to me about the
13 incident and just um...um...it's more like...um...both. It's
14 psychological and it's stress management. It's like, you
15 know, because you're in this environment where it's hostile
16 and there's animosity and things are going back and forth,
17 how do you cope with that. And she's talking to me about
18 how I'm feeling about the situation and stuff like that and
19 when I start to get angered or elevated or if there's a
20 conflict, because obviously it is affecting my health, she
21 wants to...until...you know, to try to develop ways for me to...

22 Q: Deal with it.

23 A: To deal with it, yes. Thank you.

24 Q: When do you normally go to see the doctor? The
25 chiropractor? Every other day? Every day?

1 A: Every other day, usually during lunch hours for one
2 hour and I'm back to work.

3 Q: Uh...do they have a sign in sheet there?

4 A: Yes, I sign, every time I go.

5 Q: And you found this chiropractor through a network?

6 A: Yes, I called my health care provider and I asked them
7 if they could provide someone I could go to during lunch
8 hour in this area because, you know, that would be the only
9 time I can go. Someone...you know, in the 50's, and they gave
10 me him.

11 Q: But do you receive any monies as of this date as a
12 result of the incident?

13 A: No, I haven't even received a how are you doing?

14 Q: Uh...okay. Is there anything else that you would like to
15 add?

16 A: Um...I think the situation is unfortunate all around and
17 I just would like to...it to be over as soon as possible. I'm
18 very uncomfortable. I don't see myself ever being
19 comfortable working with Barbara again and it's not just
20 the physical aspect or the not knowing what state of mind
21 she's in. There's that and there's just a lot that I'm
22 not...I'm not good with right now with her and um...I don't
23 feel like I...I can't continue to be productive. So I just
24 hope this gets resolved as soon as possible.

25 Q: Do you have any idea what resolving would be in your

1 mind?

2 A: No.

3 Q: Or what would you like to see done?

4 A: There's...there's...no. Um...I'm not...going to give any
5 recommendations at this time. I don't...I just...I would like
6 the company to recognize that I am an employee that has
7 been here fifteen years. I've never been...had an incident
8 like this. I've never been written up for insubordination
9 or anything. I would like them to give me the respect I'm
10 due and that's it. You know, I didn't just say something
11 happened to me. You know, something happened. The person
12 admitted something happened and you know, I'm...I'm at the
13 doctor's now and I can't explain why it happened. You know,
14 like I said, I would like to know why Barbara felt to
15 attack me and not the people who attacked her in the
16 meeting. Because I did not do it. I did not attack her. I
17 did not set her up and I think that was established. I
18 didn't expect to see her on Thursday, you know. And to be
19 honest, there is no, you know. There's just nothing else to
20 say.

21 Q: Okay. That's fine. At this time, we're going to
22 conclude the interview. And the time is 5:55 p.m. Thank
23 you.

24 A: Um-hum.

25 [WHEREUPON, THE RECORDED STATEMENT WAS CONCLUDE.]